



**CITY COUNCIL
ATLANTA, GEORGIA**

A RESOLUTION BY

Cleta Wilson

01-B-0442

**A RESOLUTION AUTHORIZING PAYMENT IN THE AMOUNT OF \$1000
TO THE GEORGIA DEPARTMENT OF NATURAL RESOURCES IN
COMPLIANCE WITH THE EXPEDITED ENFORCEMENT CONSENT ORDER;
TO REPEAL CONFLICTING RESOLUTIONS; AND FOR OTHER PURPOSES.**

WHEREAS, an unauthorized discharge of wastewater allegedly occurred from the City of Atlanta swimming pool sump pump to Candler Park Lullwater Creek on September 3, 2000; and

WHEREAS, an investigation was conducted which concluded that wastewater from the Candler Park pool had been discharged into a storm drain; and

WHEREAS, in investigation shows that a valve failed to yield to a mechanics wrench resulting in the inadvertent discharge; and

WHEREAS, the Georgia Environmental Protection Division has offered an Expedited Enforcement Consent Order requiring payment within 30 days of the receipt of their communication; and

WHEREAS, upon approval of this settlement agreement, the EPD agrees to take no further action against the City of Atlanta, Bureau of Parks for the specific violation described in the attached Compliance Order ("Exhibit A"); and

WHEREAS, it is further understood and agreed that the payment of the above named sum is not to be considered as an admission on the part of the City, its officers, agents, servants or employees of any liability whatsoever stemming from this incident.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA that \$1,000 be paid by the City of Atlanta to the GEORGIA DEPARTMENT OF NATURAL RESOURCES, in satisfaction of any and all claims stemming from the discharge of wastewater in Candler Park on or about September 3, 2000.

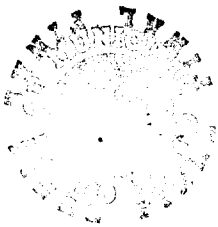
BE IT FURTHER RESOLVED that the Chief Financial Officer is hereby authorized to pay the above mentioned sum from account number 1C22 573001 N12DO3B69999.

A true copy,

**ADOPTED by the City Council
APPROVED by the Mayor**

March 5, 2001
March 13, 2001

[Signature]
Deputy Clerk



"EXHIBIT A"

Page 1 of 3

GEORGIA ENVIRONMENTAL PROTECTION DIVISION
NORTHWEST GEORGIA REGIONAL OFFICE
4244 INTERNATIONAL PARKWAY, SUITE 114

Georgia Department of Natural Resources

4244 International Parkway, Suite 114, Atlanta, Georgia 30354-3906

Lonice C. Barrett, Commissioner

Environmental Protection Division

Harold F. Reheis, Director

404-362-2671

December 6, 2000

CERTIFIED MAIL
Z 797 101 537

Mr. Ken Gillett, Acting Deputy Director
Bureau of Parks, City of Atlanta
675 Ponce de Leon Avenue, NE, 8th Floor
Atlanta, Georgia 30308

RE: Notice of Violation
Complaint # 6002

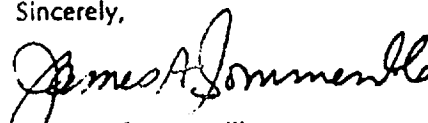
Dear Mr. Gillett:

On September 13, 2000, a complaint investigation was conducted by Mr. George Harris, Environmental Specialist, of my staff. Mr. Harris discussed the investigation with you and our office has received your response letter dated October 6, 2000. The results of the investigation concluded that wastewater from the Candler Park pool had been discharged into a storm drain. This storm drain discharges into a tributary of Lullwater Creek in the Chattahoochee River Basin. This unpermitted discharge of wastewater is a violation of the Georgia Water Quality Control Act, OCGA §12-5-29. Violations of the Act can incur a civil penalty of \$50,000 per day, OCGA §12-5-52.

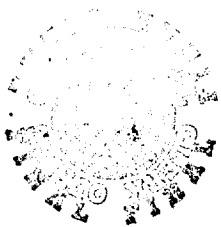
The enclosed Expedited Enforcement Consent Order (EECO) is being offered to resolve the documented violation. Should you agree to settle this matter, in this manner, then sign the EECO and return it with your check, made payable to the Department of Natural Resources, in the amount of One Thousand Dollars (\$1,000) within ten days of receipt of this notification.

A written response, outlining the actions you have taken to correct the violation, is required, within fifteen days of receiving this letter. If you have any questions concerning this matter, please contact Mr. Harris or me at (404) 362-2671.

Sincerely,


James A. Schenck, Manager
Northwest Georgia Regional Office

cc: WPB/M. Shahbaz



" EXHIBIT A "
Page 2 of 3

REQUEST TO CREATE OR AMEND DPRCA LEGISLATION

CHECK ONE:

ROUTINE:

SIGNIFICANT:

☒ Create [A]
☐ Amend /Substitute [B]

☐ Yes
☒ No

☒ Yes
☐ No

DATE: February 9, 2001

TO: Debra F. Harris
DPRCA Contract Administrator II

FROM: Jay Lowery
Director, Bureau of Parks

Rec'd
02/12/01

A. Please create/initiate new legislation for the purpose of
authorizing payment of GA DNR fine in the amount of \$1,000 for mistakenly
discharging pool wastewater from a sump near the Candler Park Pool. The
valve failed to yield to the mechanics wrench when applied, therefore a
wastewater spill occurred. DNR has agreed to settle with a \$1,000 fine.

B. Please amend/substitute legislation dated _____
the purpose _____

C. SPECIAL NEEDS/CRITICAL ELEMENTS:

The enclosed expedited Enforcement Consent Order has been offered to
resolve the documented violation. The penalty could be up to \$50,000 per
day. We have consulted the Atty. Kendric Smith in the Law Department on this
issue. Please find attached documentation for further details.

D. ACCOUNT NUMBER: 1C22 573001 N12DO3B69999
*** (APPEND SUFFICIENT DETAILED DOCUMENTATION,
CORRESPONDENCE AND ATTACHMENTS TO ENSURE ACCURACY,
DETAIL AND SPECIFIC SCOPE OF SERVICES REQUIRED).

cc: Management and Development Officer

GEORGIA ENVIRONMENTAL PROTECTION DIVISION
NORTHWEST GEORGIA REGIONAL OFFICE
4244 INTERNATIONAL PARKWAY, SUITE 114
ATLANTA, GEORGIA 30354

EXPEDITED ENFORCEMENT COMPLIANCE ORDER AND SETTLEMENT AGREEMENT

PART I: COMPLIANCE ORDER

Site and location of discharge: Candler Park off McLennon Avenue in Atlanta,
DeKalb County, Georgia

Name of Owner, Operator, or Responsible

Officer: City of Atlanta, Bureau of Parks
675 Ponce de Leon Avenue, NE, 8th Floor
Atlanta, Georgia 30308

The Environmental Protection Division (EPD) is aware of the fact that an unauthorized discharge of wastewater from the swimming pool sump to Lullwater Creek from the above noted Site occurred on September 13, 2000. Chapter 391-3-6, of the Georgia Rules and Regulations for Water Quality Control, and Title 12, Chapter 5 of the Official Code of Georgia Annotated (Code). The following violation noted, in accordance to sections 12-5-20, through 12-5-33, of the Code and its corresponding settlement amount, is listed below:

(O.C.G.A. §12-5-29). Settlement \$ 1,000.00

TOTAL SETTLEMENT AMOUNT \$ 1,000.00

The City of Atlanta, Bureau of Parks is hereby ordered to correct the violation and pay the settlement amount.

This Compliance Order is issued solely with reference to the Settlement Agreement in Part II of this form. If the Settlement Agreement in Part II is not returned in correct form by the City of Atlanta, Bureau of Parks within 30 days of receipt, this Compliance Order can be withdrawn without prejudice to the EPD's ability to file additional enforcement actions for the above violations or any other violations.

Part II: SETTLEMENT AGREEMENT

The Georgia Environmental Protection Division (EPD) offers this Settlement Agreement as an expedited enforcement procedure in order to settle the violation listed in the Compliance Order in Part I of this form subject to the following terms and conditions:

City of Atlanta, Bureau of Parks, by signing below, certifies under penalty of law that: a) the information submitted in this and all attached documents have been personally examined and that City of Atlanta, Bureau of Parks is familiar with the information; b) the **CITED VIOLATIONS WILL BE CORRECTED** immediately; and c) payment of the settlement amount in the form of a check made payable to the Department of Natural Resources is enclosed for \$ 1,000.00.

Upon EPD final approval of this Settlement Agreement, EPD will take no further action against the City of Atlanta, Bureau of Parks for the specific violation described in this Compliance Order. EPD does not waive any enforcement action by EPD, the State, or any local agencies for any past, present or future violations of the Water Quality Control Rules. This Order does not relieve the City of Atlanta, Bureau of Parks of any obligations or requirements of the Act.

This Settlement Agreement is binding on EPD and the City of Atlanta, Bureau of Parks once it is signed below. This Settlement Agreement is not negotiable and is effective upon EPD's final approval below. Upon the final approval, EPD shall make a copy of the approved Settlement Agreement to the City of Atlanta, Bureau of Parks.

Final approval of the Settlement Agreement is in the sole discretion of the Director of EPD, or authorized delegate.

BY (print name): _____

TITLE: _____

SIGNATURE: _____

DATE: _____

FINAL ORDER BY EPD this _____ day of _____ 2000.

Harold F. Reheis, Director

COMPLIANCE ORDER NO: _____

01-0442

(Do Not Write Above This Line)

A RESOLUTION BY

**PUBLIC SAFETY AND LEGAL ADMINISTRATION
COMMITTEE**

A RESOLUTION AUTHORIZING PAYMENT IN
THE AMOUNT OF \$1000 TO THE GEORGIA
DEPARTMENT OF NATURAL RESOURCES IN
COMPLIANCE WITH THE EXPEDITED ENFORCEMENT
CONSENT ORDER; TO REPEAL CONFLICTING
RESOLUTIONS; AND FOR OTHER PURPOSES.

Adopted 3/5/01
by Full Council
Approved by:
Rodrick Rubens Lawrence
Deputy City Attorney

- ☐ CONSENT REFER
☐ REGULAR REPORT REFER
☐ ADVERTISE & REFER
☐ 1st ADOPT 2nd READ & REFER
☐ PERSONAL PAPER REFER

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

**ADOPTED BY
MAR 05 2001**

COUNCIL

First Reading

Committee _____
Date _____
Chair _____
Referred to _____

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

FINAL COUNCIL ACTION

☐ 2nd ☐ 1st & 2nd ☐ 3rd

Readings

☐ Consent ☒ Vote ☐ RC Vote

CERTIFIED

CERTIFIED

MAR 5 2001

ATLANTA CITY COUNCIL PRESIDENT

Robert A. Parker

CERTIFIED

MAR 05 2001

Robert A. Parker
MUNICIPAL CLERK

MAYOR'S ACTION

MAR 13 2001

Kim C. Johnson